

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-201119.3

DATE: February 9, 1981

MATTER OF: Security Unlimited Enterprises, Inc.

DIGEST:

[Protest of] Determination whether to set aside procurement under section 8(a) of Small Business Act is matter for contracting agency and Small Business Administration, and will not be reviewed by GAO absent showing of fraud or bad faith on part of Government officials.

Security Unlimited Enterprises, Inc. *[protests the decision]* by the Corps of Engineers to set aside a contract under section 8(a) of the Small Business Act, 15 U.S.C. § 637(a) (1976), as amended by Pub. L. No. 95-507, October 24, 1978, 92 Stat. 1757.

Section 8(a) of the Small Business Act authorizes the Small Business Administration (SBA) to enter into contracts with any Government agency with procuring authority and to arrange the performance of such contracts by letting subcontracts to socially and economically disadvantaged small business concerns. *[The contracting officer is authorized "in his discretion" to let the contract to SBA upon such terms and conditions as may be agreed upon by the procuring agency and SBA. In light of this broad discretion, we do not review agency determinations to set aside procurements under section 8(a) unless there is a showing of bad faith or fraud on the part of Government officials. See Maintenance, Incorporated, B-199854, August 27, 1980, 80-2 CPD 155. No such showing has been made here.]*

[The protest is dismissed.]

Milton J. Socolar

Milton J. Socolar
General Counsel

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